

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RONALD BAKER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:19-cv-313-PPS-MGG
)	
JAMES TINKER and)	
US FOODS, INC.,)	
)	
Defendants.)	

REPORT OF PARTIES' PLANNING MEETING

1. The parties conferred via e-mail under Fed. R. Civ. P. 26(f) and agreed to this report on May 24, 2019. Tracey Steele Schafer participated for Plaintiff. Brian O'Connor Watson participated for Defendants.

2. Pre-Discovery Disclosures. The parties will exchange, but not file, pre-discovery disclosures by **July 30, 2019**, the information required by Fed. R. Civ. P. 26(a)(1).

3. Issues. This case is presently in front of the Court based on diversity jurisdiction pursuant to 28 U.S.C. §1332. At this point, Plaintiff does not believe the amount in controversy exceeds the \$75,000.00 threshold required for subject matter jurisdiction, as most of his care is taking place through Veterans Administration health care. However, Plaintiff is still treating so, at this point, Plaintiff does not believe it is appropriate to challenge the Court's subject matter jurisdiction. However, Plaintiff anticipates that he may do so at some point in the future.

4. Discovery Plan. The parties propose the following discovery plan:

Discovery will be needed on the following subjects: Plaintiff's claims and Defendants' defenses. Disclosure or discovery of electronically stored information should be handled as follows:

- i) The parties agree that they shall produce all ESI and any electronically stored evidence related to this matter;
- ii) The parties agree that they shall each search currently active servers, laptops, desktops, and other files and repositories for ESI;
- iii) To the extent necessary to produce ESI from a time period that is not reflected on active servers or other files, the parties will also search backup or archived systems;
- iv) Electronic documents and email shall be produced in an agreed upon readable format; and
- v) The parties have discussed which party will be responsible for the cost of searching back-up or archived systems, and, due to the lack of knowledge of whether such a search will be necessary or how much it will cost, the parties have not reached an agreement about how to allocate that cost, if at all.

The last date to complete all discovery is **February 28, 2020**.

Maximum of 30 interrogatories by each party to any other party.

Maximum of 30 requests for admission by each party to any other party.

Maximum of 5 depositions by Plaintiff and 7 by Defendants.

Each deposition is limited to a maximum of 4 hours unless extended by stipulation. The parties must disclose the identity of any Rule 26(a)(2) witness and the witness's written report (if applicable) by:

December 2, 2019, for Plaintiff;

January 3, 2020, for Defendants.

Any evidentiary objections to another party's expert witness, whether directed to the witness's qualifications or to the foundation for the anticipated testimony, shall be filed by

February 3, 2020. Counsel stipulate that a failure to file such objections is waiver of any objection to opinion testimony outlined in the statement filed by the witness's proponent.

5. Other Items.

The last date the Plaintiff may seek permission to join additional parties and to amend the pleadings is **September 3, 2019.**

The last date the Defendants may seek permission to join additional parties and to amend the pleadings is **October 3, 2019.**

The last date to file dispositive motions is **March 16, 2020.**

The time to file Rule 26 (a)(3) pretrial disclosures will be governed by separate order. The case should be ready for jury trial by **May 1, 2020**, and at this time is expected to take approximately three (3) days.

6. Alternative Dispute Resolution. The case's settlement prospects may be enhanced via the following ADR procedure:

Mediation. The parties have agreed upon **Gene Duffin, Michael Cook** or **Michael Scopelitis** as mediator.

Respectfully Submitted,

/s/ Tracey Steele Schafer

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